

Thomas E. Towe, Esq.  
Towe, Ball, Mackey, Sommerfeld  
& Turner, PLLP  
2525 Sixth Avenue North  
PO Box 30457  
Billings, MT 59107-0457  
Phone: 406-258-7337  
Fax: 406-248-2647  
Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA**

SYLVIA JURGELEWICZ,  
derivatively on behalf of  
STILLWATER MINING COMPANY,  
and individually on behalf of himself  
and all other similarly situated  
shareholders of STILLWATER  
MINING COMPANY.

Plaintiff,

vs.

FRANCIS R. MCALLISTER, CRAIG  
L. FULLER, STEVEN S. LUCAS,  
MICHAEL SCHIAVONE, PATRICK  
M. JAMES, MICHAEL S. PARRETT,  
SHERYL K. PRESSLER, GEORGE  
M. BEE, and GARY M. SUGAR,

Defendants,

and

STILLWATER MINING COMPANY,

Civil Action No. 1:13-cv-00047-SEH

**NOTICE OF APPEAL**

a Delaware Corporation,

Nominal Defendant.

Notice is hereby given that Sylvia Jurgelewicz, Plaintiff in the above named case, hereby appeals to the United States Court of Appeals for the Ninth Circuit from the denial of Plaintiff's request for attorneys' fees with respect to the derivative claims pleaded in Plaintiff's Complaint (Counts I, II and III) in the Order entered in this case on the 12<sup>th</sup> day of February, 2014.

Pursuant to a stipulation of the parties, this Court dismissed this lawsuit on October 9, 2013, but retained jurisdiction regarding the award of attorneys' fees. Plaintiff has withdrawn her claim for attorneys' fees not included in the denial of attorneys' fees by the February 12, 2014, Court Order. Thus, this Court's Order of February 12, 2014, is a final order of this Court subject to appeal. It is that Order which is the subject of this appeal.

DATED this 20th day of March, 2014.

/s/ Thomas E. Towe

*Attorneys for Plaintiff*

Thomas E. Towe  
Towe, Ball, Mackey, Sommerfeld  
& Turner, PLLP  
2525 Sixth Avenue North  
P.O. Box 30457  
Billings, Montana 59107-0457

Phone: 406-258-7337  
Fax: 406-248-2647  
Email:       towe@tbems.com

*Of Counsel*

Eduard Korsinsky  
Steven J. Purcell  
Levi & Korsinsky LLP  
30 Broad Street, 24<sup>th</sup> Floor  
New York, New York 10004  
Phone: 212-363-7500  
Fax: 877-367-6510  
Email:       ek@zlk.com  
              spurcell@zlk.com

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 20<sup>th</sup> day of March, 2014, a copy of the foregoing document was served on the following persons by the following means:

1, 2, 3, 4    CM/ECF  
\_\_\_\_\_    Hand Delivery  
\_\_\_\_\_    Mail  
\_\_\_\_\_    Overnight Delivery Service  
\_\_\_\_\_    Fax  
\_\_\_\_\_    E-Mail

1.    Clerk, U.S. District Court
2.    Jason R. Ritchie  
      Michael Manning  
      Holland & Hart  
      401 North 31<sup>st</sup> Street, Ste. 1500  
      P.O. Box 639  
      Billings, MT 59103-0639
3.    John G. Crist  
      Crist, Krogh & Nord, LLC  
      The Securities Building  
      2708 1<sup>st</sup> Avenue North, Ste. 300  
      Billings, MT 59101
4.    Samuel B. Issacson  
      Thomas M. Thompson  
      DLA Piper LLP  
      204 North LaSalle Street, Ste. 1900  
      Chicago, IL 60601

/s/ Thomas E. Towe

## **REPRESENTATION STATEMENT**

The undersigned represents Appellant-Plaintiff Sylvia Jurgelewicz in this matter. In compliance with F.R.A.P. 12(b) and Circuit Rule 3-2, the following is a list that identifies all parties and their counsel in this action.

<b>PARTY</b>	<b>COUNSEL</b>
Plaintiff-Appellant Sylvia Jurgelewicz	Thomas E. Towe Towe, Ball, Mackey, Sommerfeld & Turner, PLLP 2525 Sixth Avenue North P.O. Box 30457 Billings, Montana 59107-0457 Phone: 406-258-7337 Fax: 406-248-2647 Email: <a href="mailto:towe@tbems.com">towe@tbems.com</a>  Eduard Korsinsky ( <i>pro hac vice</i> ) Steven J. Purcell ( <i>pro hac vice</i> ) Levi & Korsinsky LLP 30 Broad Street, 24 <sup>th</sup> Floor New York, New York 10004 Phone: 212-363-7500 Fax: 877-367-6510 Email: <a href="mailto:ek@zlk.com">ek@zlk.com</a> <a href="mailto:spurcell@zlk.com">spurcell@zlk.com</a>
Defendants-Appellees Francis R. McAllister, Craig L. Fuller, Steven S. Lucas, Michael Schiavone, Patrick M. James, Michael S. Parrett, Sheryl K. Pressler, George M. Bee and Gary A. Sugar	John G. Crist Crist, Krogh & Nord, LLC The Securities Building 2708 First Avenue North Suite 300 Billings, MT 59101 Phone: 406-255-0400 Fax: 406-255-0697

	<p>Email: <a href="mailto:jcrist@crislaw.com">jcrist@crislaw.com</a></p> <p>Samuel B. Isaacson (<i>pro hac vice</i>)  Tomas M. Thompson (<i>pro hac vice</i>)  DLA Piper LLP (US)  203 N. LaSalle Street  Suite 1900  Chicago, IL 60601  Phone: 312-368-2163  Fax: 312-251-5827  Email: <a href="mailto:samuel.isaacson@dlapiper.com">samuel.isaacson@dlapiper.com</a>  <a href="mailto:tom.thompson@dlapiper.com">tom.thompson@dlapiper.com</a></p>
Nominal Defendant-Appellee Stillwater Mining Company	<p>Jason S. Ritchie  Michael P. Manning  Holland &amp; Hart LLP  401 North 31<sup>st</sup> Street, Suite 150  Billings, MT 59101-1277  Phone: 406-252-2166  Fax: 406-252-1669  Email: <a href="mailto:jritchie@hollandhart.com">jritchie@hollandhart.com</a></p>

DATED this 20<sup>th</sup> day of March, 2014.

TOWE, BALL, MACKEY  
SOMMERFELD & TURNER, PLLP  
Attorneys for Plaintiff

By: /s/ Thomas E. Towe  
Thomas E. Towe